

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of December, 2005, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Johnson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Mayor Hutcherson read the following statement..."I am here today to participate in the transaction of the City's business. I will make a statement Friday concerning my political future. It has not been a week since a federal indictment was handed down against me. And if I'm not mistaken, there are national figures who have been indicted and are still carrying out their duties. Today we will do our duty as it relates to City Council and the business of the City of Lynchburg. Thank you."

// City Manager Kimball Payne announced that today would be the last Council meeting of Financial Services Director Mike Hill who will be retiring at the end of the year.

// Copies of the minutes of the November 22 (two meetings), 2005 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Refuse, City Council Report #2 was considered. On motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-154, as presented, amending the FY 2006 Solid Waste Management Operating Fund budget and appropriating \$13,437, fully reimbursable, for the continuation of litter control and recycling activities:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Recreation - Stadium, City Council Report #3 was considered. On motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-05-155, as presented, authorizing the City Manager to execute the revised Memorandum of Understanding between the Lynchburg Baseball Corporation and City Council:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// Mayor Hutcherson and Vice Mayor Foster on behalf of City Council recognized and presented certificates to the graduates of the City's third Citizens Academy. Dr. Scott Garrett on behalf of the Citizens Academy presented the City with a \$5,000 grant to be used by the City for marketing efforts.

// In the matter of Schools, a public hearing was held regarding City Council Report #4 regarding amending the FY 2006 Operating Budgets for the General, Schools Operating and Schools Capital Projects Funds to appropriate Schools FY 2005 return of unexpended fund balance. Financial Services

Director Mike Hill along with Lynchburg School Board Chair Julie Doyle provided an overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Gillette expressed appreciation for the Schools recommendation to set aside some of these funds to help address future athletic facility needs that are identified by the task force. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-156, as presented, appropriating \$5,188,366 in Schools FY 2005 unexpended fund balance to the Schools FY2006 Operating Budget:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning – Community Development, a public hearing was held to receive citizen input regarding the annual housing and non-housing goals within the 2005-2010 Community Development Consolidated Plan. Administrative and Grants Coordinator Melva Walker provided a brief overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Mayor Hutcherson announced that no action is required by City Council at this time.

// In the matter of Community Planning – Community Development, a public hearing was held regarding City Council Report #6 regarding reallocating \$10,000 of FY 2003 HOME Program funds to the Cornerstone Rental Housing project. Administrative and Grants Coordinator Melva Walker provided a brief overview regarding the request. Lynchburg Neighborhood Development Foundation Executive Director Laura Dupuy spoke in support of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, Ms. Dupuy stated that Cornerstone would be the first permanent housing facility in the region available to the general population of disabled homeless persons. On motion of Council Member Dodson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-05-157, as presented, approving the reallocation of \$10,000 of FY2003 HOME Program funds to the Cornerstone Rental Housing project:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, City Council Report #7 regarding a request from the Lynchburg College Emergency Services (LCEMS) to seek a license from the Commonwealth of Virginia to operate as a Basic Life Support (BLS) non-transport agency was considered. City Manager Kimball Payne provided a brief summary of the request. In response to Council questioning, Danielle DiFranco, Chief of LCEMS, stated that service would be provided to Lynchburg College properties only since the College's insurance only covers College-owned property. On motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-05-158, as presented, approving

the request of the Lynchburg College Emergency Services (LCEMS) to seek a license from the Commonwealth of Virginia to operate as a Basic Life Support (BLS) non-transport agency:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Taxicabs, City Council Report #8 regarding a request from Mr. Stanley R. Williams, Sr., for a Certificate of Public Convenience and Necessity to operate a taxicab company in the City was considered. City Manager Kimball Payne provided a brief summary of the request. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-159, as presented, approving the issuance to Mr. Stanley R. Williams, Sr., a Certificate of Public Convenience and Necessity to operate a taxicab company in the City:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Water, City Council Report #9 regarding endorsing an application for a grant to assist in regional water supply planning was considered. City Manager Kimball Payne provided a brief summary of the request. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-160, as presented, endorsing an application for a grant to assist in regional water supply planning:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code, City Council Report #10 regarding amending the City Code relating to City Contracts and Procurement was considered. City Manager Kimball Payne provided a brief summary of the request. On motion of Council Member Helgeson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-05-161, as presented, amending the City Code relating to City Contracts and Procurement:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code, City Council Report #11 was considered. On motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-05-162, as presented, amending the City Code to allow citizens to remove signs that are illegally placed in the public rights-of-way:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works – Refuse/City Code, City Council Report #12 was considered. On motion of Council Member Helgeson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-05-163, as presented, amending the City Code to reduce the Common Goods Fee from the current level of \$5.00 per month per household to \$4.40 per month per household effective January 1, 2006:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Council, City Council Report #12A was considered. On motion of Council Member Dodson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Resolution #R-05-164, as presented, approving the donation of four (4) police vehicles and a stump grinder to Mississippi Gulf Coast communities identified by the John C. Stennis Institute of Government at Mississippi State University:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions and to consider the acquisition of real property because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City pursuant to Section 2.2-3711(A)(1) and (3), respectively, Code of Virginia (1950), as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Johnson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Vice Mayor Foster, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Gillette, Council by the following recorded vote re-appointed Tara West, Shanda Rowe, Ruth Richardson, Mary Payne, Celilia Hull, Jeff Helgeson, Vice Chair, and Michael Gillette, Chair, to serve on the Community Development Advisory Committee for terms to expire December 31, 2006:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote re-appointed Jane W. Bacon to serve on the Planning Commission for a term to expire December 31, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote appointed Sharon R. Oglesby and Meriwether A. Sale to serve on the Planning Commission for terms to expire December 31, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote appointed Council Member Jeff Helgeson to serve on the Community Services Board for a term to expire December 31, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote reappointed Frank C. Britt to serve as a Sister City Liaison between the Sister Cities and the City of Lynchburg for a term to expire December 31, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Dodson, Council by the following recorded vote reappointed Charles S. Nowlin, Jr., Chair, and Donald Banker to serve on the Lynchburg Regional Airport Commission for terms to expire December 31, 2008:

Ayes: Dodson, Foster, Johnson, Seiffert, Hutcherson 5

Noes: Gillette, Helgeson 2

On nomination of Council Member Gillette, Council by the following recorded vote appointed George L. Foster, Sr., to serve on the Design Review Board for a term to expire December 31, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was adjourned at 9:35 P.M.

Clerk of Council